

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION – CINCINNATI

ROBERT BATES,	:	Case No. 1:22-cv-488
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	Magistrate Judge Stephanie K. Bowman
v.	:	
	:	
STEPHEN HALE, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

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**ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 5)**

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The Court has reviewed the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman (Doc. 5), to whom this case is referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court hereby **ADOPTS** said Report and Recommendation in its entirety.

Accordingly, the Court **ORDERS** the following:

1. The Complaint (Doc. 1-1) is **DISMISSED WITH PREJUDICE**, with the exception of Plaintiff's Eight Amendment claims against: (1) Defendants Matthew Murry and Nicholas Davis based on Plaintiff's allegations that these Defendants placed his property on his bed and then sprayed urine on the bed and floor; (2) Defendants Joshua Kinner, Stephen Hale, Scott Wasmer, Carl Justice, and Travis Wellman based on Plaintiff's allegations

that these Defendants used excessive force against him in the infirmary; and  
(3) Defendant Nurse Sammons based on Plaintiff's allegations that this Defendant failed to intervene in the alleged excessive force. 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

2. Pursuant to U.S.C. § 1915(a), it is hereby certified that any appeal of this Order would not be taken in good faith and that Plaintiff should be denied leave to appeal *in forma pauperis*;

**IT IS SO ORDERED.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

By:   
JUDGE MATTHEW W. McFARLAND